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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/807,906
	<b>Filing Date</b>	July 9, 2001
	<b>First Named Inventor</b>	Talish, et al.
	<b>Group Art Unit</b>	3738
	<b>Examiner Name</b>	David J. Isabella
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b>	41482/257774

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		

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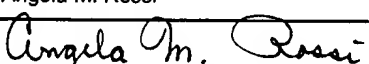
TECHNOLOGY CENTER R3700

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
<b>Firm or Individual name</b>	Bruce D. Gray, Reg. No. 35,799 Kilpatrick Stockton LLP
<b>Signature</b>	
<b>Date</b>	10/24/02

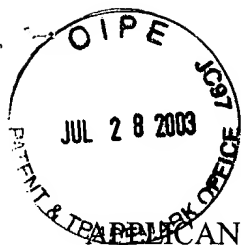


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Roger J. Talish and  
Alan A. Winder

SERIAL NO.:

09/807,906

GROUP ART UNIT:

3738

FILED:

July 9, 2001

EXAMINER:

Isabella, David J.

FOR:

PROSTHESIS AND METHODS OF INDUCING BONY INGROWTH USING  
ULTRASOUND THERAPY

ATTORNEY DOCKET NO.: 41482/257774

Commissioner for Patents  
Washington, D.C. 20231

DATE: October 24, 2002

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed on September 30, 2002, Applicants submit the following.

The Examiner has required restriction among the following claims:

Group I, claims 1-31, 35-39, drawn to a bone prosthesis;

Group II, claims 32 and 33, drawn to a method for measuring; and

Group III, claim 34, drawn to a method for stabilizing bone prosthesis.

Applicants elect Group I, claims 1-31 and 35-39. This election is made with traverse, however.

The Examiner alleges that the invention of Group II can be used "for measuring stability of beam/concrete constructions." However, the claims of Group II reference a bone prosthesis, as does claim 1 and all of the claims of Group I. Thus, Group II and Group I are not "unrelated" as asserted by the Examiner, and the Examiner has failed to set forth an adequate basis for restricting between these two groups.

The Examiner has also required that Applicants elect from among several drawing figures alleged to correspond to patentably distinct species of the invention. The Examiner has failed to explain how these species are patentably distinct, and has therefore made an improper election

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RESPONSE TO RESTRICTION REQUIREMENT

requirement. Nevertheless, in order to be fully responsive, Applicants elect the species of Figures 7A-E, with traverse, based upon the arguments above.

Please charge any fees in connection with this filing to Deposit Account No. 11-0855.

Respectfully submitted,



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